

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
February 10, 2006

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, February 10, 2006, from 10:00 a.m. – 2:45 p.m.

1. Members present. Thomas P. Boyer, Daniel F. Donahue, Jeffery J. Dywan, Karen M. Love, Tanya Walton Pratt, Robert D. Rucker, Michael A. Shurn, P. Thomas Snow, Mary G. Willis and Judith S. Proffitt, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Senior Judge David Matsey; Ron L. Miller, Director, Trial Court Management, and Kris Suthers, Systems Analyst, Division of State Court Administration; Vicki Davis and Anne Jordan, Division of State Court Administration; and Magistrate Caryl Dill, Marion Superior Court were also present.
4. Minutes approved. The minutes for the committee on January 13, 2006 were approved.
5. Deskbook for judges to manage *pro se* litigation.
 - a. Committee members reviewed Family Members Seeking Appointment of Guardians material from Judge Snow. A petition and order in this area and an insurance company setting up a guardianship for a minor settlement from Judge Snow will be reviewed at the next meeting.
 - b. Judge Matsey, Deskbook editor stated three recommendations to the committee:
 - (1) include an introductory chapter with items that occur often with pro se litigants, for example, letters, phone calls and indigency asset dialogue;
 - (2) include a list of factors a court considers when granting a continuance for two pro se litigants, and a pro se litigant and a party represented by an attorney; and
 - (3) include tips or advice about dealing with different types of pro se litigants, including inmates, militia and persons trying to do simple things in the court system.
 - c. Vicki Davis and Anne Jordan announced a session would be held on courts dealing with pro se litigants at the April judicial conference. Committee members discussed ideas for this conference. Members of the committee agreed to distribute a draft of the introductory chapter at the conference.
 - d. Magistrate Caryl Dill, Marion County reported the Indianapolis Bar Foundation had awarded a grant of \$10,000 to prepare a video to assist pro se litigants. Committee members agreed to coordinate the work of this committee with the video.
 - e. The following items are due at the next meeting:
 - (1) Small claims section from Judge Love;
 - (2) Adoption - recent past records inquiries, genealogy from Judge Welch

See Attachment No. 1 for committee member assignments.

6. Weighted caseload.

- a. Ron Miller reviewed the following two handouts with members of the committee: (1) a summary of the National Center for State Court's "State Court Guide To Statistical Reporting and (2) "Courtools," a set of standards to measure court performance. Judge Dwyan reported Lake County was participating in a NCSE study of the use of Courtools, and Ron Miller reported the Division of State Court Administration was planning a pilot of them in volunteer counties.
- b. Judge Dwyan reported JTAC would soon prepare a Request for Proposals (RFP) for Indiana's Case Management System. Committee members discussed the inclusion of a requirement in the RFP that the case management system collect statistics in the same manner as the NCSC, "State Court Guide To Statistical Reporting."
- c. Judge Dwyan said additional detail should be collected in criminal cases, including PCR information, cases returning to a court on remand, probation revocation proceedings, and correspondence from persons within DOC.
- d. Judge Pratt moved, as part of an update to judicial weighted caseload measures, that judges keep timesheet records on capital murder cases. Judge Snow seconded the motion. The motion was passed.
- e. Judge Dwyan moved, that as part of an update to judicial weighed caseload measures, the committee gather data for all felony cases. Judge Snow seconded the motion. The motion was passed.
- f. Committee members agreed to discuss keeping time sheets for all jury trials, gathering data for weighted caseload purposes in civil cases, including domestic relations and protection order cases.
- g. Ron Miller agreed to bring information to the committee on data collection and what data is available electronically from counties at the next meeting. Jeff Bercovitz agreed to distribute portions of the last study showing how many cases were studied and how they were selected.

7. Next meeting: The committee agreed to hold future meetings on the following dates: Friday, March 10, May 12, June 9, July 14, August 11, and October 13, 2006 all from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

**Assignments: Benchbook for Judicial Officers:
Administration Of Cases With Pro Se Litigants**

Introduction

<i>Completed 8/13/04</i>	Introduction/General considerations	J. Proffitt, Chair
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Civil

<i>Completed 2/11/05</i>	(1) <u>Domestic Relations</u> Initial dissolution, post-dissolution matters, letters and third-party correspondence, Final hearing, custody, change of residence, parenting time, other	J. Eldred and J. Willis
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	(2) <u>Small claims</u>	J. Love
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<i>Completed 1/13/06</i>	(3) <u>Mortgage foreclosure/debt collection</u>	J. Horn
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	(4) <u>Mental Health</u>	
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<i>Revised 2/10/06</i>	Family member seeking guardianships – <i>pro se</i>	J. Snow
<i>Drafted 2/10/06</i>	Ins. Co. sets up guardianship for minor settlement	J. Snow

<i>Completed 7/08/05</i>	Civil commitments generally	J. Donahue
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<i>Completed 3/11/05</i>	(5) <u>Paternity, probate</u>	J. Shurn
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<i>Completed 2/11/05</i>	(6) <u>General civil</u> Refer to forms on Self-Service Website	Committee
<i>Revised 8/12/05</i>	Request for Appt. of Pauper Attney. In Civil Action	Mag. Boyer
<i>Revised 8/12/05</i>	Dialogue for Request For Appt. of Counsel In Civil Action	Mag. Boyer

<i>Revised 8/12/05</i>	Incarcerated Pro Se Litigants In Civil Action Case Discussion	Mag. Boyer
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<i>Completed 7/08/05</i>	Inquiry/Advice Regarding Self-Representation	J. Donahue
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	BMV – lost title, hardship license	J. Welch
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<i>Drafted 2/11/05</i>	Adoption – recent past records inquiries, genealogy	J. Welch
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<i>Completed 8/12/05</i>	(7) <u>Contempt</u> Rule To Show Cause Hearing If Indigent Dialogue For Rule to Show Cause Hearing If Indigent	Mag. Boyer Mag. Boyer
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Criminal

(1)	<u>Misdemeanor, D Felony <i>pro se</i> representation</u> Pro se jury trial, dialogues, other	Judge _____
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	(2)	<u>Prisoner/Inmate litigation</u>	J. Pratt
<i>Revised 10/14/05</i>		Inmate as civil litigant – transportation, access to legal materials, tort claims; civil rights claims, name changes, paternity, dissolution; criminal claims: PCR's, credit time, modification, expungement; and extradition requests	
<i>Completed 8/12/05</i>		Ind. Code 34-58-1 Screening of Offender Litigation Checklist New Paternity Cases	
"		Notice to Incarcerated Petitioners - Paternity	
"		Order To DOC For Report Of Defendant's Conduct While Incarcerated	
"		Order Appointing State Public Defender	
"		Denial of Request For Modification of Sentence Under Ind. Code 35-38-1-17 (a)	
"		Denial of Request For Modification of Sentence Under Ind. Code 35-38-1-17 (b)	
"		Order Dismissing Petition For Post Conviction Relief	
"		Order Setting Pro Se PCR Hearing	
"		Order Setting Hearing On Petition And Modification Of Sentence and Order To Transport	
"		Order Granting Expungement of Arrest Record Under Ind. Code 35-38-5 <i>et. seq.</i>	
	(3)	<u>Clerk chapter</u>	J. Proffitt
<i>Submitted 7/08/05</i>		Information For <i>Pro Se</i> Litigants Concerning Dissolution of Marriage Action	J. Proffitt
<i>Completed 7/08/05</i>		Notice to <i>pro se</i> litigants on service	J. Horn